

REMARKS

Claims 1-29 and 31-62 remain pending in the present application. Claims 1, 2, 4, 7, 13, 19, 21, 22, 24, 26, 29, 43, 52, 61 and 62 have been amended to further clarify the invention. Support for the amendments can be found, for example, on page 9, lines 3-14 and page 16, line 21, through page 17, line 7. Claim 29 has been amended to include the features of dependent claim 30 and dependent claim 30 has been cancelled. No new matter has been added. Reconsideration of the pending claims and allowance is respectfully requested in view of the following comments.

Double Patenting

Claims 29-60 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of co-pending Application No. 09/677,065. Claims 1-32 of the '065 application have been amended, as have claims 29-60 of the present application, to further clarify the inventions. The invention of the '065 application is to a development architecture for netcentric and the invention of the above-captioned application is to a data warehouse environment. Therefore, Applicants respectfully request that the double patenting rejection be withdrawn.

Claim Rejections under 35 U.S.C. §112

Claims 29-42 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 29 has been amended to remove the redundancy of the phrase "at least one personal productivity tool." Applicants appreciate the Office Action pointing out this typographical error. Applicants respectfully request that this rejection be withdrawn.

Claim Rejections under 35 U.S.C. §103

Claims 1-62 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai et al, *An Integrated Software Maintenance Environment: Bridging Configuration*

Management and Quality Management, IEEE Computer society press, October 24, 1988, pages 40-44, in view of Official Notice. Applicants traverse.

Applicants respectfully request that the rejection be withdrawn because none of the references disclose all of the features of the claims, as discussed below.

The Office Action relies on Hanai et al. and official notice for the rejections. Hanai discloses an Integrated Software Configuration Management (ISCM) system that manages software objects and manages maintenance activities within switching software systems for a telecommunication system (P. 40 right column third paragraph and P. 41 left column first paragraph). Hanai teaches that the ISCM system uses databases to integrate a configuration management system with a quality management system to create a single system with both functions (P. 40 right column last paragraph and P. 41 left column first paragraph).

The configuration management system taught by Hanai coordinates configuration information with other management information that includes problem reports and interdependencies (P. 41 right column last paragraph). In addition, the configuration management system prevents improper changes to software objects, coordinates synchronous changes and preserves the coherency of changes (P. 42 left column section 3.3). Further, the configuration management system generates prototype systems for testing, provides comprehensive change information and tracks changes to the objects (P. 42 left and right columns section 3.3).

The ISCM system includes an Extended Configuration Management system (ECMS) with a menu-driven man machine interface that provides the capability to store, change and review revisions to objects, the revision history and other information related to changes to the software objects (P. 42 right column section 4.1). The ISCM also includes a problem report database (PROMIS) that is matched with the history and program revisions to monitor individual problems and manage overall system quality based on statistical analysis (P. 43 left and right columns section 4.2). Further, the ISCM includes a module interface definition generator (REMIE) to generate a set of module interface definitions.

Claim 1:

Regarding amended claim 1, the Office Action acknowledges that Hanai et al. does not disclose or suggest any of “a license management tool”, “a production control application set and a help desk tool supporting said server and said client”. Nor does Hanai et al. disclose or suggested the amended feature of claim 1 that a “common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools” (emphasis added). Since Hanai et al. neither discloses or suggests at least the above features, Applicants respectfully request that the rejection be withdrawn.

Nor would it have been obvious to combine such features with Hanai et al. Applicants submit that the Office Action has improperly relied upon impermissible hindsight for the proposition that the claimed invention, which includes “a license management tool”, “a production control application set and a help desk tool supporting said server and said client” can be incorporated into the configuration management and quality management bridging system of Hanai et al. Such a combination appears to be a classic example of impermissible hindsight where the Office Action is “picking and choosing” features from amongst numerous available features without any specific direction from the prior art to arrive at the claimed invention. *See In re Fritch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). For at least these reasons, Applicants respectfully request that the rejection be withdrawn.

Claims 2-18:

Claims 2-18 include all of the features of claim 1, plus additional features. Thus, for at least the reasons discussed with regard to claim 1, Applicants respectfully request that the rejection of these claims also be withdrawn.

Claim 9:

Moreover, regarding claim 9, Hanai et al. does not disclose or suggest that “said license management tool manages and controls license information for applications running on said data warehouse computing system”. For at least this additional reason, Applicants respectfully request that the rejection to claim 9 be withdrawn.

Claim 10:

Moreover, regarding claim 10, Hanai et al. does not disclose or suggest that “said remote management tool allows support personnel from said data warehouse computing system to take control of said client”. For at least this additional reason, Applicants respectfully request that the rejection to claim 10 be withdrawn.

Claim 19:

Regarding amended claim 19, the Office Action acknowledges that Hanai et al. does not disclose or suggest any of “a license management tool for managing and controlling license information for applications running on said data warehouse computing system”, “a production control application set for scheduling and handling a plurality of production processes on said data warehouse computing system”, and “a help desk tool including a help application that provides users of applications on said data warehouse computing system with assistance.” In addition, Applicants submit that Hanai et al. does not disclose or suggest “a remote management tool allowing support personnel from said data warehouse computing system to take control of said client”. Nor does Hanai et al. disclose or suggested the amended feature of claim 19 that a “common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools” (emphasis added). Since Hanai et al. neither discloses or suggests at least the above features, Applicants respectfully request that the rejection be withdrawn. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this reason, Applicants respectfully request that the rejection to claim 19 be withdrawn.

Claims 20-23:

Claims 20-23 depend from claim 19 and therefore include all of the features of claim 19 plus additional features. Thus, for at least the reasons discussed with regard to claim 19, Applicants respectfully request that the rejection to claim 20-23 be withdrawn.

Claim 24:

Regarding amended claim 24, the Office Action acknowledges that Hainai et al. does not disclose or suggest any of “managing and controlling license information for applications running on said data warehouse computing system with a license

management tool”, “scheduling and handling a plurality of production processes on said data warehouse computing system with a production control application set” and “helping users encountering problems with applications on said data warehouse computing system with a help desk tool.” In addition, Hanai et al. does not disclose or suggest at least “allowing support personnel to take control of said client with a remote management tool.” Nor does Hanai et al. disclose or suggested the amended feature of claim 24 that a “common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools” (emphasis added). Since Hanai et al. neither discloses or suggests at least the above features, Applicants respectfully request that the rejection be withdrawn. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this reason, Applicants respectfully request that the rejection to claim 24 be withdrawn.

Claims 25-28:

Claims 25-28 depend from claim 24, and therefore include all of the features of claim 24, plus additional features. Thus, for at least the reason discussed with regard to claim 24, Applicants respectfully request that the rejection to claims 25-28 be withdrawn.

Claim 29:

With regard to amended claim 29, the Office Action acknowledges that Hanai et al. does not disclose or suggest any of “at least one productivity tool” and “at least one system building tool”. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this reason, Applicants respectfully request that the rejection to claim 29 be withdrawn.

Claims 31-42:

Claims 31-42 depend from claim 29, and therefore include all of the features of claim 29, plus additional features. Thus, for at least the reason discussed with regard to claim 29, Applicants respectfully request that the rejection to claims 31-42 be withdrawn.

Moreover, the Office Action acknowledges that the features of claims 31-42 are neither disclosed nor suggested in Hanai et al. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this additional reason, Applicants respectfully request that the rejection to claim 31-42 be withdrawn.

Claim 43:

With regard to amended claim 43, the Office Action acknowledges that Hanai et al. neither discloses or suggests any of “a personal productivity tool that may be selected from the group consisting of a spreadsheet application, a graphic application , a word processor application and a personal calendar application for use by said client and said server”, “a system building tool for designing, building and testing applications on said data warehouse computing system”, and “a team productivity tool for allowing users on said clients to communicate with other users in the data warehouse computing system”. Nor does Hanai et al. disclose or suggested the amended feature of claim 43 that a “common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools” (emphasis added). Since Hanai et al. neither discloses or suggests at least the above features, Applicants respectfully request that the rejection be withdrawn. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this reason, Applicants respectfully request that the rejection to claim 43 be withdrawn.

Claims 44-51:

Claims 44-51 depend from claim 43, and therefore include all of the features of claim 43, plus additional features. Thus, for at least the reason discussed with regard to claim 43, Applicants respectfully request that the rejection to claims 44-51 be withdrawn.

Moreover, the Office Action acknowledges that the features of claims 44-51 are neither disclosed nor suggested in Hanai et al. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include

these features. For at least this additional reason, Applicants respectfully request that the rejection to claim 44-51 be withdrawn.

Claim 52:

With regard to amended claim 52, the Office Action acknowledges that Hanai et al. neither discloses or suggests any of “providing a personal productivity tool that may be selected from the group consisting of a spreadsheet application, a graphic application, a word processor application and a personal calendar application for use by said client and said server”, “designing, building and testing applications on said data warehouse computing system with a system building tool”, and “allowing users on said clients to communicate with other users in the data warehouse computing system with a team productivity tool”. Nor does Hanai et al. disclose or suggested the amended feature of claim 52 that a “common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools” (emphasis added). Since Hanai et al. neither discloses or suggests at least the above features, Applicants respectfully request that the rejection be withdrawn. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this reason, Applicants respectfully request that the rejection to claim 52 be withdrawn.

Claims 53-60:

Claims 53-60 depend from claim 52, and therefore include all of the features of claim 52, plus additional features. Thus, for at least the reason discussed with regard to claim 52, Applicants respectfully request that the rejection to claims 53-60 be withdrawn.

Moreover, the Office Action acknowledges that the features of claims 53-60 are neither disclosed nor suggested in Hanai et al. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this additional reason, Applicants respectfully request that the rejection to claim 53-60 be withdrawn.

Claim 61:

With regard to amended claim 61, the Office Action acknowledges that Hanai et al. neither discloses nor suggests any of “a license management tool”, “a production control application set”, “a help desk tool supporting said data warehouse computing system”, a personal productivity tool”, and “a system building tool”. Nor does Hanai et al. disclose or suggested the amended feature of claim 61 that a “common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools” (emphasis added). Since Hanai et al. neither discloses or suggests at least the above features, Applicants respectfully request that the rejection be withdrawn. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this reason, Applicants respectfully request that the rejection to claim 61 be withdrawn.

Claim 62:

With regard to amended claim 62, the Office Action acknowledges that Hanai et al. neither discloses nor suggests “a development architecture, located on at least one of the server and the client, for reducing the effort and costs involved with designing, implementing, and maintaining the data warehouse computing system”. Nor does Hanai et al. disclose or suggested the amended feature of claim 62 that a “common user interface is configured to present an interactive graphical user interface to said client that provides access to all of said tools” (emphasis added). Since Hanai et al. neither discloses or suggests at least the above features, Applicants respectfully request that the rejection be withdrawn. Nor would it have been obvious without impermissible hindsight, as discussed above with regard to claim 1, to include these features. For at least this reason, Applicants respectfully request that the rejection to claim 62 be withdrawn.

Official Notice Improperly Applied:

Moreover, if the rejection is not withdrawn for the reasons set forth above, with respect to the official notice taken by the Office Action, Applicants respectfully request

that the next Office Action provide references that show the features of the claims which the Office Action acknowledges are not shown by Hanai et al. The official notice was improperly applied.

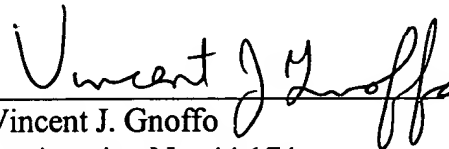
Official notice of facts in the record should be judiciously applied in only limited circumstances. See MPEP 2144.03. As noted in the court in *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be “capable of such instant and unquestionable demonstration as to defy dispute.” For example, in *Ahlert*, the court held that it was proper for the Board to take notice that “it is old to adjust intensity of a flame in accordance with the heat requirement.” However, it is not appropriate for the Office Action to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. MPEP 2144.02(A). Moreover, general conclusions concerning what is “basic knowledge” or “common sense” to one of ordinary skill in the art without specific factual finding and some concrete evidence in the record to support the findings will not support an obviousness rejection. MPEP 2144(B); *Zurko*, 258 F.3d 1386 (Fed. Cir. 2001).

In the present Office Action, official notice that it would have been obvious to implement all of the recited tools with the system described in Hanai et al. to enhance the system of Hanai et al. was not proper without the Office Action providing prior art references to support the contention. The official notice taken by the Office Action is not capable of such instant and unquestionable demonstration as to defy dispute. Unlike adjusting a flame in accordance with heat requirements, the use of a combination of tools with a data warehouse computing system is not a straightforward endeavor capable of instant and unquestionable demonstration. In addition, since the rejection is an obviousness-type rejection, general conclusions concerning what is known is not proper without specific factual findings and concrete evidence in the record to support the findings. For example, support should be provided that it would have been obvious to use such a collection of tools for data warehouse solutions. For at least these reasons, Applicants respectfully request that the rejections be withdrawn or that the next Office Action provide concrete evidence of the purported obvious recited features.

Conclusion:

Applicant respectfully requests the allowance of the application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,


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